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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,611	03/01/2004	Eran Reshef	3269/5A	5171

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EXAMINER
PATEL, NIRAV B

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2135	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/790,611	RESHEF ET AL.
	Examiner	Art Unit	
	Nirav Patel	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 November 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>33-64</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>33-64</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed on November 01, 2007 has been entered. Claims 33-64 are pending. Claims 59-64 are amended by the applicant.

2. The Office would like to notify the Applicant that there has been a change in the Examiner to conduct the future examination and prosecution processes of the currently pending application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 33-48, 51, 52, 59, 63 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Davies (WO 93/11511).

As per claim 33, Davis discloses:

presenting a human ability challenge having a response component, the human ability challenge having distorted content to reduce the possibility of computerized identification of the content [Fig. 2, 3, 5, 7, page 2 lines 24-28, page 8 lines 1-12]; receiving a response to the human ability challenge [page 4 lines 6-10, Fig. 2, 3, 5, page 8 lines 14-17, 28-36]; and comparing the received response to the response

component to thereby help determine whether the received response was provided by a human [page 5 lines 10-19, page 8 lines 14-17].

As per claim 34, the rejection of claim 33 is incorporated and Davis discloses:

generating the human ability challenge [Fig. 2, 3, 5, 7, page 5 lines 10-19].

As per claim 35, the rejection of claim 34 is incorporated and Davis discloses:

generating the human ability challenge comprises generating the response component and generating the human ability challenge using the response component [Fig. 2, 3, 5, 7].

As per claim 36, the rejection of claim 35 is incorporated and Davis discloses:

generating the response component comprises randomly generating the response component [page 8 lines 5-7].

As per claim 37, the rejection of claim 35 is incorporated and Davis discloses:

generating the human ability challenge comprises creating a distorted visual representation of the response component [Fig. 2, 3, 5, 7].

As per claim 38, the rejection of claim 35 is incorporated and Davis discloses:

generating the human ability challenge comprises creating a distorted audio representation of the response component [page 3 lines 19-21].

As per claim 39, the rejection of claim 35 is incorporated and Davis discloses:

selecting a type of human ability challenge from a plurality of human ability challenge

types [page 3 lines 19-21].

As per claim 40, the rejection of claim 39 is incorporated and Davis discloses:

selecting the type of human ability challenge comprises randomly selecting the type of

human ability challenge [page 3 lines 14-21].

As per claim 41, the rejection of claim 39 is incorporated and Davis discloses:

determining the respondent's identity, and wherein the step of selecting the type of

human [page 4 lines 6-12].

As per claim 42, the rejection of claim 39 is incorporated and Davis discloses:

generating the response component based upon the type of human ability challenge

selected [page 3 lines 9-11, 26-36, page 4 lines 1-4].

As per claim 43, the rejection of claim 39 is incorporated and Davis discloses:

selecting the human ability challenge from a plurality of stored human ability challenges

[page 9 lines 1-12].

As per claim 44, the rejection of claim 43 is incorporated and Davis discloses:

selecting comprises randomly selecting the human ability challenge [page 9 lines 1-12].

As per claim 45, the rejection of claim 33 is incorporated and Davis discloses:

providing a request for authentication for gaining access to a computerized resource,

receiving an authentication code, and verifying the code responsive to the request for

authentication if the received response to the human ability challenge matches the

response component [page 16 lines 15-18].

As per claim 46, the rejection of claim 33 is incorporated and Davis discloses:

receiving a request for access to a computerized resource and providing access to the

resource only if the received response to the human ability challenge matches the

response component [page 8 lines 1-17].

As per claim 47, the rejection of claim 33 is incorporated and Davis discloses:

requesting user confirmation of an action and accepting user confirmation only if the

received response to the human ability challenge matches the response component

[page 8 lines 1-26].

As per claim 48, the rejection of claim 33 is incorporated and Davis discloses:

presenting a human ability challenge comprises presenting one or more graphical

images representing the response component [page 3 lines 14-18].

As per claim 51, the rejection of claim 33 is incorporated and Davis discloses:

presenting a human ability challenge comprises presenting a noisy textual image

displaying the response component [page 15 lines 36, Fig. 7].

As per claim 52, the rejection of claim 33 is incorporated and Davis discloses:

presenting a human ability challenge comprises presenting a natural language question,

wherein the response component represents an answer to the natural language

question [page 3 lines 14-24].

As per claim 59, it encompasses limitations that are similar to limitations of claim 1.

Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 63, the rejection of claim 59 is incorporated and Davis discloses:

the first, second and third sets of computer program instructions reside on a single

computer [Fig.1].

As per claim 64, it encompasses limitations that are similar to limitations of claim 1.

Thus, it is rejected with the same rationale applied against claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 49, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (WO 93/11511) and in view of Yamamoto (US Patent No. 5,928,364).

As per claim 49, the rejection of claim 33 is incorporated and Davis discloses displaying/presenting the human ability challenge as shown in Figs. 2, 3, 5, 7. Davis doesn't expressively mention presenting a cognitive question regarding the plurality of graphical images.

Yamamoto teaches:

the step of presenting a human ability challenge comprises presenting a plurality of graphical images representing identifiable objects and presenting a cognitive question regarding the plurality of graphical images, wherein the response component represents an answer to the question [Fig. 8A, 8B, col. 5 lines 25-60].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yamamoto with Davies, since one would have been motivated to prevent others from seeing the secret data easily, password data difficult for others to understand [Yamamoto, col. 1 lines 19-20].

As per claim 50, the rejection of claim 33 is incorporated and Davis discloses presenting

a human ability challenge comprises presenting an audio file (i.e. audio image (voice)

[page 3 lines 15-24].

Yamamoto teaches:

the step of presenting a question, wherein the response component represents an

answer to the question [Fig. 8A, 8B, col. 5 lines 25-60].

5. Claims 53-55, 57, 58, 60-62 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Davies (WO 93/11511) and in view of Jalili (US Patent No.

6,209,104).

As per claim 53, the rejection of claim 33 is incorporated and Davis discloses presenting

a human ability challenge as shown in Fig. 2, 3, 7.

Jalili teaches the transmitting the human ability challenge from a server to a client [Fig.

9].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine Jalili with Davies, since one would have been

motivated to provide secure data entry function for authentication system [Jalili, col. 1

lines 12-13].

As per claims 54 and 57, the rejection of claim 53 is incorporated and Davis discloses

presenting a human ability challenge as shown in Fig. 2, 3, 7.

Jalili teaches the transmitting the human ability challenge with the encrypted/hashed

response component [Fig. 9, col. 2 lines 7-17].

As per claims 55 and 58, the rejection of claim 54/57 is incorporated and Jalili teaches

decrypting/hashing the encrypted response component and comparing the

decrypted/hashed response component to the received response [Fig. 9, col. 2 lines 7-

17, Fig. 8].

As per claim 56, the rejection of claim 33 is incorporated and Jalili teaches:

receiving a response to the human ability challenge comprise transmitting the response

from the client to the server [Fig. 9].

As per claim 60, the rejection of claim 59 is incorporated and it encompasses limitations

that are similar to limitations of claim 53. Thus, it is rejected with the same rationale

applied against claim 53 above.

As per claim 61, the rejection of claim 60 is incorporated and Jalili teaches:

the server comprises a proxy server positioned between an application server and the

client [Fig. 9].

As per claim 62, the rejection of claim 60 is incorporated and Jalili teaches:

the server comprises an application server [Fig. 9].

Response to Argument

6. Applicant's arguments filed No. 1, 2007 have been fully considered. In view of

applicant's argument that Benzler does not teaches "presenting a human ability

challenge having a response component, the human challenge having distorted content

to reduce the possible of computerized identification of the content", is found

persuasive. A newly found reference by Davis is used as above for the claim rejection.

Davis teaches the claim limitation "presenting a human ability challenge having a

response component, the human challenge having distorted content to reduce the

possible of computerized identification of the content" [Fig. 2, 3, 5, 7, page 2 lines 24-

28, page 8 lines 1-12 i.e. control unit sends to the screen a display of complex images,

these consist of three key images and nine false images]. See detail action above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Lillibridge et al (US 6195698) – Method for selectively restricting access to computer

systems

Blonder (US 5559961) – Graphic password

Ozzie et al (US 5664099) – Method and apparatus for establishing a protected channel between a user and a computer system

Claessens (US 6567569) – Method for determining reproducibly if visual features of objects are known to a person
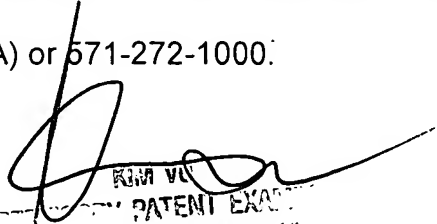
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NBP

1/14/08

KIM VU
PATENT EXA...